

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JUDY KROSHUS, et al.,	)	CASE NO.: 3:08-cv-00246-LDG-RAM
	)	
Plaintiffs,	)	CASE NO.: 3:09-cv-00713-LDG-RAM
	)	
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

**ORDER**

**ORDER APPROVING DISBURSEMENT OF SETTLEMENT**

WHEREAS, on June 15, 2011 and July 8, 2011, Counsel for Plaintiffs deposited in the U.S. Mail notice of the proposed settlements to all members of the class herein and caused the aforementioned notice to be published in the *Fernley Leader* and *Reno Gazette-Journal* for three (3) successive weeks;

WHEREAS, said notice set out the terms of the proposed settlement and procedure for distribution of settlement funds and noticed the time and place for class members to appear and object to and comment on said settlement in Court on the 29<sup>th</sup> day of July, 2011 at 10 a.m.;

WHEREAS, on July 29, 2011, at 10 a.m., the Court considered Plaintiffs' *Motion for Approval of Settlement of Class Action Pursuant to FRCP 23(e) and Distribution of Funds* and the Court inquired as to whether or not there were any other comments and/or objections by people and parties present or who had written to the Court or Parties, and Attorneys and Representatives;

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1 NOW, THEREFORE, the Court being fully advised, makes the following Findings:

2 1) That legal and sufficient notice has been duly and regularly given to the  
3 members of the Class so as to give the members an opportunity to appear and be heard  
4 regarding the proposed settlement and distribution.

5 2) That the class settlement with the Board of Directors of Truckee-Carson  
6 Irrigation District, City of Fernley, and Lyon County in the amount of \$10,150,500.00, is  
7 fair, just, and equitable in light of the basis upon which the Court approved the class in  
8 this matter and should be approved.

9 3) That the distribution formula set forth in the notice, which is based upon  
10 an engineer's analysis of the level of water on and/or in each subject property, is fair,  
11 just, and equitable and in accord with the basis upon which the Court approved the Class  
12 and should be approved by the Court. Specifically, after deducting for attorneys' fees and  
13 costs, settlement proceeds will be distributed to members of the Class according to the  
14 following formula:

15 **Level 1-** No water on Property (generally not eligible to receive settlement  
16 funds);

17 **Level 2-** Water on property but no water in garage/crawlspace;

18 **Level 3-** Water in garage and/or crawl space; and

19 **Level 4-** Water in living space.

20 Any claim of level of water intrusion inconsistent with the engineer's analysis will be  
21 submitted to the Court for determination.

22 Additionally, the named Class Representatives in this action will share in the  
23 allocation of the settlement proceeds described above, except that, in addition, the  
24 named Class Representatives will each receive \$1,000.00 payable from the settlement  
25 proceeds as compensation for serving as representatives of the class.

26 4) That in light of the complexity of the case, the very substantial time spent  
27 by the attorneys, and very substantial costs necessarily incurred in connection with the  
28

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1 prosecution of this matter, the Court finds that Plaintiffs' request for attorneys' fees in  
2 the amount of \$3,383,333.33, which equals thirty-three and one third (33 1/3) percent of  
3 the class settlement, and costs in the amount of \$765,501.80, is reasonable and in accord  
4 with those customarily awarded by Courts in such matters and should be approved by  
5 the court.

6 NOW, THEREFORE it is hereby ORDERED that:

7 1) That legal and sufficient notice has been duly and regularly given to the  
8 members of the Class so as to give the members an opportunity to appear and be heard  
9 regarding the proposed settlement and distribution.

10 2) That the class settlement in the amount of \$10,150,500.00 is fair, just, and  
11 equitable and is therefore APPROVED.

12 3) That Plaintiffs' request for attorneys' fees in the amount of \$3,383,333.33  
13 and costs in the amount of \$765,501.80 is reasonable, and is therefore APPROVED.

14 4) That the method for distributing settlement funds is fair, just, and  
15 equitable, and is therefore APPROVED. After deducting attorneys' fees and costs,  
16 Plaintiffs' counsel is authorized to distribute \$6, 001, 164.87 to Class Members in  
17 accordance with the procedures approved herein

18 IT IS SO ORDERED

19  
20 DATED this 1<sup>st</sup> day of August 2011,



21  
22  
23 UNITED STATES MAGISTRATE JUDGE